

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6746 of 2005

Between:

K.N.S.Narayana, E-104262, Driver, S/o.Polaya,
R/o.Amalapuram, East Godavari Dist.

..... PETITIONER

AND

1 The APSRTC, rep.by its Vice Chairman & Managing Director,

Musheerabad, Hyderabad.

2 The APSRTC rep.by its Regional Manager,

E.G.Region, at Rajahmundry, E.G.Dist.

3 The APSRTC, rep.by its Depot Manager,

Amalapuram, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents herein in not providing alternate employment and retiring the petitioner from service due to defective distant vision vide proc.No.P1/468/3/ 2002-DM, Amalapuram, dt.11-4-2003, as illegal, contrary to the provisions of sec.47 of the persons with disabilities (equal opportunities protection of rights and full participation) Act 1995, as such liable to be set aside in the interest of justice by further directing the respondents to continue the petitioner on his usual pay and allowances and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondent Nos.1 to 3: KUM.B.G.UMA DEVI

The Court at the admission stage made the following:

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ORDER:

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Declaring the action of the respondents in not providing alternate employment and retiring the petitioner from service due to defective distant vision vide proceedings No.P1/468/3/2002-DM, Amalapuram, dated 11.04.2003 as illegal, contrary to the provisions of Sec.47 of the Persons with Disabilities (equal opportunities protection of rights and full participation) Act, 1995, the present writ petition is filed.

The petitioner worked as a driver in the respondent Corporation. He retired from service on medical invalidation, on the ground that he is unfit to discharge the duties of the driver due to defective distant vision. The petitioner made representations to the 2nd respondent on 25.06.2003 and 10.01.2004 requesting to provide any alternative employment by virtue of Section 47 of the Persons with Disabilities (equal opportunities protection of rights and full participation) Act, 1995 (for short 'the Act'). The grievance of the petitioner is that the respondents did not pass any order on his representations. Hence the present writ petition.

In the light of the circumstances explained by the petitioner, the 2nd respondent is directed to pass appropriate orders keeping in view the mandatory provisions of Section 47 of the Act, the existing rule and the judgment of the Supreme Court in ***Kunal Singh vs. Union of India and another***, within a period of 3 (three) months from the date of receipt of a copy of this order and communicate the same to the petitioner.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 30.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Vice Chairman & Managing Director,
APSRTC, Musheerabad, Hyderabad

2. The Regional Manager, APSRTC,
E.G.Region, Rajahmundry, E.G.District

3. The Depot Manager, APSRTC,
Amalapuram, East Godavari District

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